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11 Attorneys for Plaintiff  
12 United States of America  
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15 IN THE UNITED STATES DISTRICT COURT  
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17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,  
19 Plaintiff,  
20 v.  
21 Y THI NHU LE AND BEN VAN PHAN,  
22 Defendants.  
23

24 CASE NO. 2:23-CR-00188 WBS  
25 STIPULATION SETTING JURY TRIAL DATE,  
26 RULE 12 MOTIONS DEADLINE AND  
27 EXCLUDABLE TIME PERIODS UNDER SPEEDY  
28 TRIAL ACT; FINDINGS AND ORDER  
29  
30 DATE: August 25, 2025  
31 TIME: 10:00 a.m.  
32 COURT: Hon. William B. Shubb  
33

34 STIPULATION  
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36 1. By previous order, this matter was set for status on August 25, 2025.  
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38 2. By this stipulation, parties have agreed to set the above-entitled matter for a Jury Trial To  
39 begin on March 24, 2026 at 9:00 a.m. The parties expect the jury trial to last approximately two  
40 weeks. The parties have also agreed that a Trial Confirmation Hearing shall be held on March 2, 2026  
41 at 10:00 a.m. Any motions under Federal Rule of Criminal Procedure Rule shall be filed no later than  
42 November 21, 2025. The parties also move to exclude time between August 25, 2025, and March 24,  
43 2026, under Local Code T4.  
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45 3. The parties agree and stipulate, and request that the Court find the following:  
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47 a) Discovery in this case is voluminous and consists of law enforcement reports,  
48 records, and documents, among other things. All of this discovery has been either produced  
49 directly to counsel and/or made available for inspection and copying.  
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b) Counsel for defendants desire additional time to continue their review of discovery provided, to consult with their clients, perform legal research, investigate and otherwise prepare for trial.

c) Counsel for defendants believe that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of August 25, 2025 to March 24, 2026, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

## IT IS SO STIPULATED.

Dated: August 19, 2025

ERIC GRANT  
United States Attorney

/s/ HEIKO P. COPPOLA  
HEIKO P. COPPOLA  
Assistant United States Attorney

Dated: August 19, 2025

/s/ MARY ANN BIRD

1 MARY ANN BIRD  
2 Counsel for Defendant  
3 BEN VAN PHAN

4  
5  
6  
7 Dated: August 19, 2025

/s/ TIMOTE TUIAVUKI  
8 TIMOTE TUITAVUKI  
9 Counsel for Defendant  
10 Y THI NHU LE

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**ORDER**

IT IS SO FOUND AND ORDERED.  
Dated: August 19, 2025

  
9 WILLIAM B. SHUBB  
10 UNITED STATES DISTRICT JUDGE